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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 78-254)

Synopses of Drawback Decisions

The following are synopses of drawback rates and amendments issued April 13, 1978, to June 19, 1978, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed, for each drawback rate or amendment approved under section 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the effective dates of exportation, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

(DRA-1-09)

July 26, 1978.

LEONARD LEHMAN,
*Assistant Commissioner,
Regulations and Rulings.*

(A) Company: American Beverage Corp.

Articles: Canned and bottled carbonated beverages, fountain syrups.

Merchandise: Liquid refined sugar (99.7° to 99.9°); liquid refined invert sugar (with sugar solids).

Factory: College Point, N.Y.

Statement signed: February 17, 1978.

Basis of claim: Used in.

Effective date: December 1, 1976.

Rate forwarded to Regional Commissioner of Customs: New York;
April 21, 1978.

(B) Company: Astro Metallurgical Corp.

Articles: Titanium rod.

Merchandise: Titanium ingot and billet.

Factories: Wooster, Ohio; Latrobe, Bridgeville, Harrison, and New Kensington, Pa.; and Newark, N.J.

Statement signed: November 23, 1977.

Basis of claim: Used in.

Effective date: October 3, 1970.

Rate forwarded to Regional Commissioner of Customs: Chicago, April 27, 1978.

Amends: T.D. 73-26-R to cover titanium rod.

Revokes: T.S. 78-229-D, superseded.

(C) Company: Bose Corp.

Articles: High-fidelity loudspeaker systems, 901, 800, 501, LB, BR, 601, 301, Systems; 1800 Amplifier Case (TC-18).

Merchandise: Cabinet 901; cabinet 501; capacitor, 100 UF, 12-15V; cabinet 800; case, amplifier, TL-18; cord, line 220V; potentiometer, slide; speaker, 4½-inch driver; speaker, 3-inch tweeter; speaker, tweeter; switch PVE; forged backplate (SAE C1008-1040).

Factory: Framingham, Mass.

Statement signed: April 28, 1978.

Basis of claim: Appearing in.

Effective date: May 3, 1974.

Rate forwarded to Regional Commissioner of Customs: Boston, May 24, 1978.

(D) Company: Carrier Corp.

Articles: Various articles as listed in manufacturer's statement.

Merchandise: Steel-sheet, strip, plate; turbines; aluminum-tubing, sheet, plate.

Factories: Syracuse, N.Y.; Collierville, Lexington, McMennville, Knoxville, Tenn.; Tyler, Tex.; LaPuente, Montebello, Calif.; Indianapolis, Ind.; Springfield, New Lexington, East Liberty, Dayton, Ohio; Chicago, Wheeling, Ill.; Danville, Jeanette, Demora, Pa.

Statement signed: April 7, 1978.

Basis of claim: Appearing in—abstract-price extra.

Effective date: September 4, 1975.

Rate forwarded to Regional Commissioner of Customs: Boston, May 11, 1978.

(E) Company: Chevron Chemical Co.

Articles: Lubricating oil additives.

Merchandise: Carbonated sulfurized calcium alkyl phenate (OLOA 219).

Factory: Belle Chasse, La.

Statement signed: January 12, 1978.

Basis of claim: Appearing in.

Effective date: February 1, 1974.

Rate forwarded to Regional Commissioner of Customs: New Orleans,
April 21, 1978.

(F) Company: Dana Corp.

Articles: Automotive gear frames, and parts of gear frames for cars
and trucks.

Merchandise: Hot rolled steel sheet and strip, slide rail and cross
members.

Factories: Ecorse, Mich.; and Reading, Pa.

Statement signed: August 22, 1977.

Basis of claim: Appearing in.

Effective date: November 8, 1974.

Rate forwarded to Regional Commissioner of Customs: New York,
Chicago, April 17, 1978.

Revokes: T.D. 53427-F, as amended, superseded.

(G) Company: The Dow Chemical Co.

Articles: Triethylene glycol, tetraethylene glycol.

Merchandise: Diethylene glycol.

Factory: Freeport, Tex.

Statement signed: August 26, 1977.

Basis of claim: Used in, with distribution to the products obtained in
accordance with their relative values at the time of separation.

Effective date: April 15, 1977 (triethylene glycol); March 24, 1977
(tetraethylene glycol).

Rate forwarded to Regional Commissioner of Customs: Chicago,
June 15, 1978.

Revokes: T.D. 78-94-I, superseded.

(H) Company: Dow Corning Corp.

Articles: Dimethylhydrolyzate, methyltrichlorosilane, dimethyldi-
chlorosilane, trimethylchlorosilane, and methylhydrogendichlorosi-
lane.

Merchandise: Methanol.

Factories: Midland, Mich.; Carrollton, Elizabethtown, Ky.; Trum-
bull, Conn.; Greensboro, N.C.

Statement signed: January 10, 1978.

Basis of claim: Used in, with distribution to the products obtained
in accordance with their relative value at the time of separation.

Effective date: March 1, 1976.

Rate forwarded to Regional Commissioner of Customs: Chicago, June 19, 1978.

(I) Company: E. I. du Pont de Nemours and Co.

Articles: Latyl Brilliant Blue BG; Latyl Brilliant Blue BG 50 percent paste; Latyl Brilliant Blue BGA grains; Latyl Brilliant Blue BGA; Latyl Brilliant Blue BGA 50 percent paste; Latyl Brilliant Blue BGA grains; Latyl Brilliant Blue BGN; Latyl Brilliant Blue BGN 50 percent paste; Latyl Brilliant Blue BGN grains; Latyl Bordeaux B; and Latyl Violet 2R.

Merchandise: P-chlorophenol.

Factories: Deepwater, N.J.; and Manati, P.R.

Statement signed: February 23, 1978.

Basis of claim: Appearing in.

Effective date: December 23, 1975.

Rate forwarded to Regional Commissioner of Customs: Baltimore, April 21, 1978.

(J) Company: E. I. du Pont de Nemours and Co.

Articles: Nylon resins (cubed or flaked); nylon textile monofilaments; nylon yarn; nylon staple; nylon strapping; nylon two; nylon molding powder; nylon processed molding powder; nylon bristles; and nylon monofilaments and extruded shapes.

Merchandise: Cyclohexane.

Factories: Victoria and Orange, Tex.; Camden, S.C.; Chattanooga, Tenn.; Parkersburg, W. Va.; Martinsville and Richmond, Va.; and Seaford, Del.

Statement signed: December 14, 1977.

Basis of claim: Appearing in.

Effective date: October 1, 1975.

Rate forwarded to Regional Commissioner of Customs: Baltimore, April 26, 1978.

Revokes: T.D. 78-227-I, superseded.

(K) Company: E. I. du Pont de Nemours and Co.

Articles: X-ray, printing, and industrial sensitized film.

Merchandise: Silver nitrate.

Factories: Parlin, N.J.; and Brevard, N.C.

Statement signed: February 23, 1978.

Basis of claim: Appearing in.

Effective date: April 5, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore, May 24, 1978.

(L) Company: Fairmont Foods, Giant Snacks Division.
Articles: Beef jerky, beef sticks, and beef sausages.
Merchandise: Saw frozen beef and frozen boneless beef trimmings.
Factory: San Lorenzo, Calif.
Statement signed: January 9, 1978.
Basis of claim: Used in.
Effective date: November 1, 1977.
Rate forwarded to Regional Commissioner of Customs: San Francisco,
April 18, 1978.

(M) Company: GAF Corp.
Articles: Various articles as listed in manufacturer's statement.
Merchandise: 1,4 Butanediol (B₁D).
Factories: Linden, N.J.; Texas City, Tex.; and Calvert City, Ky.
Statement signed: February 23, 1978.
Basis of claim: Used in.
Effective date: January 1, 1978.
Rate forwarded to Regional Commissioner of Customs: New York;
May 4, 1978.

(N) Company: GTE Sylvania.
Articles: Phosphor Type No. 2291.
Merchandise: Terbium oxide 99.9 percent pure.
Factory: Towanda, Pa.
Statement signed: April 20, 1978.
Basis of claim: Used in.
Effective date: January 24, 1978.
Rate forwarded to Regional Commissioner of Customs: New York,
May 4, 1978.

(O) Company: Hercules Inc.
Articles: Melhi resin, Pexoil resin, Polypale resin, Dymere resin,
Resin 861.
Merchandise: Gum rosins.
Factories: Hattiesburg, Miss.; Burlington, N.J.; Savannah and
Brunswick, Ga.; Portland, Oreg.; Kalamazoo, Mich.; and Milwaukee,
Wis.
Statement signed: May 10, 1978.
Basis of claim: Used in, with distribution to the products obtained in
accordance with their relative values at the time of separation.
Effective date: January 30, 1973.
Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 19, 1978.
Revokes: T.D. 73-324-T, as amended, superseded.

(P) Company: Kraft, Inc.

Articles: Single strength orange juice, Brix 51 to 65°; frozen orange juice concentrate, Brix 42 to 65°.

Merchandise: Orange juice concentrate.

Factory: Lakeland, Fla.

Statement signed: March 28, 1978.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation.

Effective date: November 25, 1977.

Rate forwarded to Regional Commissioner of Customs: Miami, May 1, 1978.

(Q) Company: Patz Co.

Articles: Barn cleaners, silo unloaders, cattle feeders, manure stackers, material movers, tank spreaders, and other agricultural machinery.

Merchandise: Hot rolled sheet steel, reducing assemblies and flites (chain links).

Factory: Pound Wis.

Statement signed: September 26, 1977.

Basis of claim: Appearing in.

Effective date: September 9, 1971.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, June 15, 1978.

Revokes: T.D. 74-95-B, as amended, superseded.

(R) Company: The Procter & Gamble Manufacturing Co

Articles: Fatty acids, blended methyl ester fractions, and fatty alcohol.

Merchandise: Methyl ester fractions, soap solutions, fatty acid, unfinished fatty alcohol, and fatty alcohol.

Factories: Cincinnati, Ohio; Kansas City, Kans.

Statement signed: April 18, 1977.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation.

Effective date: February 20, 1972.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, June 19, 1978.

(S) Company: Rockwell International.

Articles: Brake assemblies and parts; axle components; and suspension systems.

Merchandise: Steel castings (D-25-1); forgings (B-114-2, AISI 1043); stampings (SAE 1010); brake linings (commercial friction code)

Factory: Ashtabula, Ohio.

Statement signed: March 30, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: March 31, 1975.

Rate forwarded to Regional Commissioner of Customs: New York,
April 21, 1978.

(T) Company: Rockwell International.

Articles: Finished knuckles of steel; finished axle centers and assemblies of steel; kits containing knuckles and centers.

Merchandise: Rough steel axle centers; rough steel knuckles.

Factory: New Castle, Pa.

Statement signed: February 28, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: March 1, 1975.

Rate forwarded to Regional Commissioner of Customs: New York,
May 8, 1978.

(U) Company: Rohm and Haas North Carolina Inc.

Articles: Textured polyester yarn.

Merchandise: Polyester chips.

Factory: Fayetteville, N.C.

Statement signed: April 24, 1978.

Basis of claim: Appearing in.

Effective date: March 1, 1976.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 19, 1978.

Amends: T.D. 76-319-T to change the basis of claim from "used in"
to "appearing in"

(V) Company: Ronson Metals Corp.

Articles: Mischmetal; ferrocium rods; finished flints (painted and unpainted), reduced rare earth chlorides.

Merchandise: Rare earth chlorides, wet and dry.

Factory: Newark, N.J.

Statement signed: March 8, 1978.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation.

Effective date: January 2, 1974.

Rate forwarded to Regional Commissioner of Customs: New York,
May 1, 1978.

(W) Company: Seven-Up Bottling Co. of San Francisco.

Articles: Still or carbonated beverages.

Merchandise: Liquid invert refined sugar.

Factory: San Francisco, Calif.

Statement signed: February 16, 1978.

Basis of claim: Used in.

Effective date: January 1, 1973.

Rate forwarded to Regional Commissioner of Customs: San Francisco, May 8, 1978.

(X) Company: Shell Oil Co., Shell Chemical Division.

Articles: Azodrin insecticide; methyl chloride.

Merchandise: Monomethylamine.

Factory: Commerce City, Colo.

Statement signed: October 17, 1977.

Basis of claim: Used in.

Effective date: January 7, 1975.

Rate forwarded to Regional Commissioner of Customs: Houston, April 14, 1978.

(Y) Company: Stauffer Chemical Co.

Articles: Antidote R-25788.

Merchandise: Dichloroacetyl chloride.

Factory: St. Gabriel, La.

Statement signed: January 30, 1978.

Basis of claim: Used in.

Effective date: November 5, 1976.

Rate forwarded to Regional Commissioner of Customs: New York, April 13, 1978.

(Z) Company: Westinghouse Electric Corp.

Articles: Steam turbine blade rings.

Merchandise: Steel blade ring halves.

Factory: Charlotte, N.C.

Statement signed: February 9, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: January 1, 1977.

Rate forwarded to Regional Commissioner of Customs: New York, April 21, 1978.

(T.D. 78-255)

Synopses of Drawback Decisions

The following are synopses of drawback rates and amendments issued August 31, 1976, to June 19, 1978, inclusive, pursuant to section 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed, for each drawback rate or amendment approved under section 1313 (a) and (b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the effective date of exportation, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

(DRA-1-09)

July 26, 1978.

LEONARD LEHMAN,
*Assistant Commissioner,
Regulations and Rulings.*

(A) Company: ASARCO, Inc.

Section 1313(a) articles: Zinc oxide.

Section 1313(a) merchandise: Special and high grade slab zinc and prime Western Slab zinc.

Section 1313(b) articles: Zinc oxide.

Section 1313(b) merchandise: Special and high grade slab zinc and prime Western slab zinc.

Factory: Hillsboro, Ill.

Statement signed: March 14, 1977.

Basis of claim: Appearing in.

Effective date: March 12, 1976.

Rate forwarded to Regional Commissioner of Customs: New York,
April 26, 1977.

(B) Company: Acker Drill Co., Inc.

Section 1313(a) articles: Drill rods, casings, and casing couplings.

Section 1313(a) merchandise: Seamless steel tubing.

Section 1313(b) articles: Drill rods, casings, and casing couplings.

Section 1313(b) merchandise: Seamless steel tubing.

Factory: Chinchilla, Pa.

Statement signed: August 12, 1977.

Basis of claim: Used in.

Effective date: May 7, 1975.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
September 1, 1977.

(C) Company: Amax Specialty Metals Corp.

Section 1313(a) articles: Photoflash filament foil.

Section 1313(a) merchandise: Rough zirconium strip.

Section 1313(b) articles: Photoflash filament foil.

Section 1313(b) merchandise: Rough zirconium strip.

Factories: Cleveland, Ohio; Coldwater, Mich.

Statement signed: March 22, 1977.

Basis of claim: Used in, less valuable waste.

Effective date: April 7, 1975.

Rate forwarded to Regional Commissioner of Customs: Chicago,
August 26, 1977.

(D) Company: American Tube Co.

Section 1313(a) articles: Galvanized fence tubing and Tuf-tube.

Section 1313(a) merchandise: Galvanized steel sheet in coil.

Section 1313(b) articles: Galvanized fence tubing and Tuf-tube.

Section 1313(b) merchandise: Galvanized steel sheet in coil.

Factory: Phoenix, Ariz.

Statement signed: December 21, 1977.

Basis of claim: Used in.

Effective date: September 30, 1975.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
February 24, 1978.

(E) Company: J. I. Case Co.

Section 1313(a) articles: Complete agricultural and industrial tractors
and engines and transmissions and other components and attachments.

Section 1313(a) merchandise: Steel castings, steel forgings, fabricated
gears, engines cylinder liners, track chains, and components parts.

Section 1313(b) articles: Complete agricultural and industrial tractors
and engines and transmissions and other components and attachments.

Section 1313(b) merchandise: Hot rolled carbon steel sheet and plate;
iron and steel castings and steel forgings.

Factories: Bettendorf and Burlington, Iowa; Rock Island, Ill.;
Terra Haute, Ind.; Racine and Winneconne, Wis.; and Wicluta,
Kans.

Statement signed: August 4, 1977.

Basis of claim: Appearing in.

Effective date: January 1, 1977.

Rate forwarded to Regional Commissioner of Customs: Chicago,
March 16, 1978.

(F) Company: Clark Equipment Co.

Section 1313(a) articles: Industrial, construction, logging and agricultural
equipment; automotive components and parts.

Section 1313(a) merchandise: Engines, tires, transmissions, special assemblies, strain gages for crane booms, steel, and assembly kits.

Section 1313(b) articles: Industrial, construction, logging and agricultural equipment; automotive components and parts.

Section 1313(b) merchandise: Steel plate and coil; high strength steel plate and strip; hot and cold rolled steel sheet, coil and strip; hot and cold steel and alloy steel rounds; hot and cold rolled flat bars; round mechanical steel tubing; structural steel tubing; steel I and H beams, channels, angles and tees; and parts and components.

Factories: Various factories as set forth in manufacturer's statement.

Statement signed: February 25, 1977.

Basis of claim: Appearing in.

Effective date: October 1, 1973.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, March 31, 1977.

(G) Company: Fallek-Lankro Corp.

Section 1313(a) articles: Methyl-chlorophenoxyacetic acid (MCPA) and methyl-chlorophenoxy-propionic acid (MCPPI).

Section 1313(a) merchandise: Para-chloro-ortho-cresol (PCOC).

Section 1313(b) articles: Methyl-chlorophenoxyacetic acid (MCPA) and methyl-chlorophenoxy-propionic acid (MCPPI).

Section 1313(b) merchandise: Alpha-monochloropropionic acid (ACPA).

Factory: Holt, Ala.

Statement signed: March 27, 1978.

Basis of claim: Used in.

Effective date: November 1, 1977.

Rate forwarded to Regional Commissioner of Customs: New Orleans, May 9, 1978.

(H) Company: Harnischfeger Corp.

Section 1313(a) articles: Construction equipment, mining equipment, cranes, excavators, backhoes, sea cranes, overhead traveling cranes, electric hoists, electrical products such as heavy duty electric industrial brakes, controls and motors, assemblies, subassemblies and component parts thereof.

Section 1313(a) merchandise: Engines, winches, wire cable, hydraulic pumps, including rotoversals, electrotorque systems, electrotorque components, gears, bearings, castings, and forgings, finished and unfinished, including racks, tumblers, crawler hoes, drums, heel bands, gudgeons and rollers, subassemblies, assemblies, and other parts all of which are identified by individual part numbers.

Section 1313(b) articles: Construction equipment, mining equipment, cranes, excavators, backhoes, sea cranes, overhead traveling cranes, electric hoists, electrical products such as heavy duty electric industrial brakes, controls and motors, assemblies, subassemblies and component parts thereof.

Section 1313(b) merchandise: Hot rolled steel plates, shapes, bars, floor plates, sheet and strip; hot rolled or forged alloy bars, billets, bloom, plates and rounds; engines, winches, wire cable, hydraulic pumps, including rotoversals, electrotorque systems, electrotorque components, gears, bearings, castings and forgings, finished and unfinished, including racks, tumblers, crawler shoes, drums, heel bands, gudgeons and rollers, subassemblies, assemblies, and other parts all of which are identified by individual part numbers.

Factories: Cedar Rapids, Iowa; Schiller Park, Ill.; Milwaukee, Oak Creek, and Cudahy, Wis.; and Escanaba, Mich.

Statement subscribed to on: March 3, 1978.

Basis of claim: Used in as to articles manufactured under section 1313(a); appearing in as to articles manufactured under section 1313(b).

Effective date: March 1, 1969.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, June 19, 1978.

(I) Company: Honeywell Inc.

Section 1313(a) articles: Central processor equipment, memory modules, system controllers, input-output devices, peripheral products, and microprogramed processors.

Section 1313(a) merchandise: Memory and logic chips.

Section 1313(b) articles: Central processor equipment, memory modules, system controllers, input-output devices, peripheral products, and microprogramed processors.

Section 1313(b) merchandise: Connectors.

Factory: Phoenix, Ariz.

Statement subscribed to on: October 26, 1977.

Basis of claim: Used in.

Effective date: May 16, 1977.

Rate forwarded to Regional Commissioner of Customs: Chicago, November 23, 1977.

(J) Company: Howmet Turbine Components Corp.

Section 1313(a) articles: Titanium and titanium alloy ingots, slabs, blooms, bars, strip, sheet, and mill products.

Section 1313(a) merchandise: Titanium sponge.

Section 1313(b) articles: Chrome metal alloy ingot, shot, electrodes, and wrought form.

Section 1313(b) merchandise: Aluminathermic and/or electrolytic chrome metal.

Factories: Dover, N.J.; LaPorte, Ind.; Whitehall and Plymouth, Mich.; Milwaukee, Wis.; and Hampton, Va.

Statement signed: June 28, 1977.

Basis of claim: Appearing in.

Effective date: January 1, 1973, as to articles manufactured by

Howmet Corp.; January 1, 1976, as to articles manufactured by Howmet Turbine Components Corp., successor.

Rate forwarded to Regional Commissioner of Customs: New York; July 21, 1977.

Revokes: T.D. 71-44-U, as amended by T.D. 71-291-F and T.D. 72-243-E, superseded.

(K) Company: The Ingersoll-Rand Co.

Section 1313(a) articles: Universal spiral rods.

Section 1313(a) merchandise: Rod blanks.

Section 1313(b) articles: Universal spiral rods.

Section 1313(b) merchandise: Rod blanks.

Factories: Phillipsburg, N.J.; Windmore, Pa.; and Madison Heights, Mich.

Statement subscribed to on: August 12, 1976.

Basis of claim: Appearing in.

Effective date: February 10, 1975.

Rate forwarded to Regional Commissioner of Customs: New York; Baltimore; San Francisco; and Los Angeles, August 31, 1976.

(L) Company: International Harvester Co.

Section 1313(a) articles: Heavy construction and industrial equipment, and parts thereof; lawn and garden products, and parts thereof; motor vehicles, and parts thereof; gasoline, diesel and gas turbine engines, and parts thereof.

Section 1313(a) merchandise: Engines, winches, transmissions, bearing caps, manifolds, cluster gears, track links, track chains, track rollers, track idlers, and other parts.

Section 1313(b) articles: Heavy construction and industrial equipment, and parts thereof; lawn and garden products, and parts thereof; motor vehicles, and parts thereof; gasoline, diesel and gas turbine engines, and parts thereof.

Section 1313(b) merchandise: Steel sheet, rod, strip, plate, and bar, various parts identified by individual part numbers.

Factories: Various factories, as set forth in manufacturer's statement.

Statement subscribed to on: January 20, 1978.

Basis of claim: Used in as to articles manufactured under section 1313(a); appearing in as to articles manufactured under section 1313(b).

Effective date: March 1, 1974.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, April 21, 1978.

Revokes: T.D. 53712-D, as amended by T.D. 53862-H, T.D. 53931-H, T.D. 74-159-K, T.D. 75-6-E, T.D. 75-56-G, T.D. 75-208-G; and T.D. 56365-K, as amended by T.D. 68-23-V, superseded.

(M) Company: Lauhoff Grain Co.

Section 1313(a) articles: Instant sweetened corn soya milk (CSM).

Section 1313(a) merchandise: Sugar.

Section 1313(b) articles: Instant sweetened corn soya milk (CSM).

Section 1313(b) merchandise: Liquid refined sugar.

Factories: Danville, Ill.; Crete, Nebr.

Statement signed: June 16, 1977.

Basis of claim: Appearing in.

Effective date: November 5, 1971.

Rate forwarded to Regional Commissioner of Customs: New Orleans, July 1, 1977.

Revokes: T.D. 72-152-C, superseded.

(N) Company: McCord Corp., McCord Winn Division.

Section 1313(a) articles: Gear pump assemblies and impeller pump assemblies; and impeller pump and reservoir assemblies.

Section 1313(a) merchandise: Direct current electric motors and pump subassemblies.

Section 1313(b) articles: Gear pump assemblies and impeller pump assemblies; and impeller pump and reservoir assemblies.

Section 1313(b) merchandise: Pump subassemblies.

Factory: Cookeville, Tenn.

Statement signed: March 15, 1977.

Basis of claim: Used in.

Effective date: Articles manufactured under section 1313(a)—February 12, 1971; articles manufactured under section 1313(b)—February 5, 1974.

Rate forwarded to Regional Commissioner of Customs: New York; Chicago, April 25, 1977.

Revokes: T.D. 72-218-L, as amended by T.D. 75-12-L, superseded.

(O) Company: Maas & Waldstein Co.

Section 1313(a) articles: Lacquers.

Section 1313(a) merchandise: Pearl essence.

Section 1313(b) articles: Lacquers.

Section 1313(b) merchandise: Butyl acetate.

Factory: Newark, N.J.

Statement subscribed to on: April 27, 1977.

Basis of claim: Used in.

Effective date: June 10, 1974.

Rate forwarded to Regional Commissioner of Customs: New York,
August 15, 1977.

(P) Company: Microma Corp.

Section 1313(a) articles: Electric digital wrist watches and watch modules.

Section 1313(a) merchandise: Bracelets and cases.

Section 1313(b) articles: Electric digital wrist watches and watch modules.

Section 1313(b) merchandise: Hybrid subassemblies and watch modules.

Factory: Cupertino, Calif.

Statement subscribed to on: March 2, 1977.

Basis of claim: Appearing in.

Effective date: October 6, 1975.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
March 23, 1978.

(Q) Company: Monsanto Co.

Section 1313(a) articles: Santoflex AW.

Section 1313(a) merchandise: Paraphenetidin and entrained and distilled oils.

Section 1313(b) articles: Santoflex AW and Santoquin, among other things.

Section 1313(b) merchandise: Paraphenetidin and Santoflex AW, among other things.

Factory: Nitro (Charleston), W.V.

Statement signed: December 16, 1976.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Effective date: May 23, 1974.

Amendment issued by Regional Commissioner of Customs: Chicago,
February 2, 1977.

Amends: T.D. 72-218-E, as amended, to cover additional process under section 1313(a).

(R) Company: Pierce Manufacturing Co.

Section 1313(a) articles: Firetruck with water tank.

Section 1313(a) merchandise: Firetrucks.

Section 1313(b) articles: Hot rolled sheet steel.

Section 1313(b) merchandise: Firetrucks.

Factory: Appleton, Wis.

Statement signed: May 17, 1977.

Basis of claim: Appearing in.

Effective date: October 7, 1975.

Rate forwarded to Regional Commissioner of Customs: New York;
Chicago, December 13, 1977.

(S) Company: Rockwell International Corp. (a Delaware corporation).

Section 1313(a) articles: Finished steering knuckles or axle units.

Section 1313(a) merchandise: Rough steering knuckle forgings.

Section 1313(b) articles: Finished axle steering knuckles, axle centers, and axle assemblies.

Section 1313(b) merchandise: Alloy and carbon steel billets and bars.

Factory: New Castle, Pa.

Statement signed: April 4, 1977.

Basis of claim: Used in, less valuable waste.

Effective date: January 1, 1974.

Rate forwarded to Regional Commissioner of Customs: New York,
April 20, 1977.

(T) Company: Southwire Co.

Section 1313(a) articles: Copper rod, stranded or solid copper, building wire, KV UD cable, aluminum rod, aluminum conductors, aluminum alloy conductors, galvanized steel strand cable, aluminum weatherproof linewire, aluminum service drop, and aluminum cable.

Section 1313(a) merchandise: Blister copper and zinc coated galvanized steel wire.

Section 1313(b) articles: Copper rod, stranded or solid copper, building wire, KV UD cable, aluminum rod, aluminum conductors, aluminum alloy conductors, galvanized steel strand cable, aluminum weatherproof linewire, aluminum service drop, and aluminum cable.

Section 1313(b) merchandise: Blister copper and zinc coated galvanized steel wire.

Factories: Carrollton, Ga.; Hawesville, Ky.; and Flora, Ill.

Statement signed: March 21, 1977.

Basis of claim: Appearing in.

Effective date: As to articles manufactured at the Carrollton, Ga.; factory, January 21, 1955; at Hawesville, Ky., March 1, 1974; and at Flora, Ill., January 1, 1975.

Amendment forwarded to Regional Commissioner of Customs:
Miami, May 27, 1977.

Amends: T.D. 75-245-B to include additional merchandise (blister copper) and additional articles under 1313(b) and to cover process under 1313(a).

(U) Company: Superior Packing Co.

Section 1313(a) articles: Carcass and fabricated beef.

Section 1313(a) merchandise: Beef carcass and cuts.

Section 1313(b) articles: Carcass and fabricated beef.

Section 1313(b) merchandise: Beef carcass and cuts.

Factory: Ellensburg, Wash.

Statement signed: August 24, 1977.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation.

Effective date: May 17, 1977.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
October 25, 1977.

(V) Company: Superior Packing Co.

Section 1313(a) articles: Carcass and fabricated lamb.

Section 1313(a) merchandise: Live lambs, lamb carcass and cuts.

Section 1313(b) articles: Carcass and fabricated lamb.

Section 1313(b) merchandise: Live lambs, lamb carcass and cuts.

Factory: Ellensburg, Wash.

Statement signed: September 1, 1977.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation.

Effective date: May 17, 1977.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
October 28, 1977.

(W) Company: Sybron Corp.

Section 1313(a) articles: Surface wetting agents used in the textile industry.

Section 1313(a) merchandise: Igepal CO 660 (aka Triton X 100 and Tergitol NPX), para phenyl phenol, and dimethyl coco diamine (DMCD).

Section 1313(b) articles: Surface wetting agents used in the textile industry.

Section 1313(b) merchandise: Igepal CO 660 (aka Triton X 100 and Tergitol NPX), para phenyl phenol, and dimethyl coco diamine (DMCD).

Factories: Wellford, S.C.; and Lyndhurst, N.J.

Statement signed: October 29, 1976.

Basis of claim: Used in.

Effective date: July 15, 1973.

Rate forwarded to Regional Commissioner of Customs: New York,
March 29, 1977.

(X) Company: Watson Foods Co., Inc. aka Wafco.

Section 1313(a) articles: Gluten-plus.

Section 1313(a) merchandise: Vital wheat gluten.

Section 1313(b) articles: Gluten-plus.

Section 1313(b) merchandise: Vital wheat gluten.

Factory: Woodside, N.Y.

Statement signed: February 18, 1977.

Basis of claim: Appearing in.

Effective date: August 31, 1976.

Rate forwarded to Regional Commissioner of Customs: New York,
April 4, 1977.

(Y) Company: Westinghouse Electric Corp.

Section 1313(a) articles: Gas turbine rotors.

Section 1313(a) merchandise: Gas turbine rough compressor spindle,
disc and turbine disc forgings.

Section 1313(b) articles: W-251 and W-501 engines.

Section 1313(b) merchandise: Spindle forgings, compressor discs, tur-
bine discs, and disc adapters.

Factory: Lester, Pa.

Statement signed: August 22, 1977.

Basis of claim: Used in, less valuable waste.

Effective date: June 1, 1975.

Rate forwarded to Regional Commissioner of Customs: New York,
January 13, 1978.

(Z) Company: Whirlpool Corp.

Section 1313(a) articles: Household appliances, and other home and
industrial products, including automatic washers, automatic gas
and electric dryers, refrigerators and refrigerator-freezers, room air-
conditioners, dehumidifiers, vacuum cleaners, electric built-in
ovens and surface cooking units, trash compactors, coin operated
laundry machines, home and commercial icemakers, and food
waste disposers.

Section 1313(a) merchandise: Components for home and commercial
appliances.

Section 1313(b) articles: Household appliances, and other home and
industrial products, including automatic washers, automatic gas

and electric dryers, refrigerators and refrigerator-freezers, room air-conditioners, dehumidifiers, vacuum cleaners, electric built-in ovens and surface cooking units, trash compactors, coin operated laundry machines, home and commercial icemakers, and food waste disposers.

Section 1313(b) merchandise: Hot and cold rolled steel sheets, strips, coils, plates, bars, and wire rods.

Factories: Clyde, Findlay, and Marion, Ohio; Evansville, Ind.; Fort Smith, Ark.; St. Joseph, Mich.; St. Paul, Minn.

Statement signed: April 29, 1977.

Basis of claim: As to articles manufactured under section 1313(a)—used in; as to articles manufactured under section 1313(b)—appearing in.

Effective date: January 1, 1971.

Rate forwarded to Regional Commissioner of Customs: Chicago, September 12, 1977.

Revokes: T.D. 54561-C, as amended by T.D. 55580-RR, T.D. 74-217-B, T.D. 76-159-C, superseded.

(T.D. 78-256)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, People's Republic of China yuan, Philippines peso, Singapore dollar, Thailand baht (tical)

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR 159, subpart C).

Republic of China yuan:

July 10-14, 1978..... \$0.5816 $\frac{1}{4}$

Hong Kong dollar:

July 10, 1978..... \$0.2152 $\frac{1}{2}$

July 11, 1978..... .2148

July 12, 1978..... .2148

July 13, 1978..... .2147

July 14, 1978..... .2150

Iran rial:

July 10, 1978.....	\$0. 0141½
July 11, 1978.....	. 0141½
July 12, 1978.....	. 0141½
July 13, 1978.....	. 0141½
July 14, 1978.....	. 0141

Philippines peso:

July 10-14, 1978.....	\$0. 1365
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Singapore dollar:

July 10, 1978.....	\$0. 4335
July 11, 1978.....	. 4340
July 12, 1978.....	. 4332
July 13, 1978.....	. 4331
July 14, 1978.....	. 4335

Thailand baht (tical):

July 10, 1978.....	\$0. 0488
July 11, 1978.....	. 0488
July 12, 1978.....	. 0488
July 13, 1978.....	. 0488
July 14, 1978.....	. 0492

(LIQ-3)

July 27, 1978.

BEN L. IRVIN,
Acting Director,
Duty Assessment Division.

(T.D. 78-257)

Customhouse Brokers

Recent amendment to section 111.22 of the Customs Regulations, concerning
the keeping of records by Customhouse brokers, clarified

TITLE 19—CUSTOMS DUTIES

CHAPTER I—U.S. CUSTOMS SERVICE

PART 111—CUSTOMHOUSE BROKERS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document clarifies the application of a recent
amendment to the Customs Regulations, relating to recordkeeping

by customhouse brokers, to brokers who have been granted a waiver from maintaining Customs Form 3079.

EFFECTIVE DATE: August 4, 1978.

FOR FURTHER INFORMATION CONTACT: Marcus Sircus, Regulatory Audit Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-2812.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 22, 1978, T.D. 78-138 amended section 111.22 of the Customs Regulations (19 CFR 111.22), concerning recordkeeping by customhouse brokers (43 FR 21877). Section 111.22(a), as amended (19 CFR 111.22(a)), requires that each customhouse broker keep a current record of all Customs transactions unless granted an exemption under section 111.22(b) (19 CFR 111.22(b)). Section 111.22(b), as amended, grants an exemption if the information required to be maintained by section 111.22(a) is disclosed in other records regularly kept by the broker in a systematic, convenient form readily available for Customs inspection.

Prior to the amendment, section 111.22(a) required a customhouse broker to maintain a record of all Customs transactions on Customs Form 3079. The broker could be exempted by the district director from the requirement of using Customs Form 3079 if the district director determined that the information required to be set forth on Customs Form 3079 was disclosed in other books and records regularly maintained by the broker and was maintained in a systematic, convenient, and readily available form. The amendments to section 111.22 abolished Customs Form 3079 and instead required that information regarding the broker's Customs transactions be maintained in a prescribed format (as set forth in para. (d) of amended sec. 111.22), unless the broker was exempted from doing so. The Customs Service has been asked to clarify the current effect, with respect to the amended recordkeeping requirements, of an exemption from the use of Customs Form 3079 which was granted under section 111.22(b) before the amendments to section 111.22.

CLARIFICATION

Brokers who were granted a waiver from maintaining Customs Form 3079 prior to the amendments to section 111.22 by T.D. 78-138 are exempt from the requirement that records of their Customs transactions be maintained in the format described in section 111.22(d). This exemption is subject to withdrawal whenever an audit of the broker's books and records reveals that the required information is

no longer being maintained in a systematic, convenient, and readily available form.

DRAFTING INFORMATION

The principal author of this document was Suellen M. Ferguson, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

Approved: July 24, 1978

RICHARD J. DAVIS,

Assistant Secretary of the Treasury.

G. R. DICKERSON,

Acting Commissioner of Customs.

[Published in the Federal Register August 4, 1978 (43 FR 34454)]

(T.D. 78-258)

Synopses of Drawback Decisions

The following are synopses of drawback rates issued April 11, 1978, to July 19, 1978, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed, for each drawback rate or amendment approved under section 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the effective dates of exportation, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

(DRA-1-09)

August 1, 1978.

LEONARD LEHMAN,

Assistant Commissioner,

Regulations and Rulings.

(A) Company: Batesville Casket Co., Inc.

Articles: Burial caskets.

Merchandise: Cold-rolled steel sheets—AISI-C-1008 C.R.C.Q. & D.Q.S.K.

Factories: Batesville, Ind.; Manchester, Tenn.

Statement signed: February 17, 1978.

Basis of claim: Appearing in.

Effective date: June 1, 1978.

Rate forwarded to Regional Commissioner of Customs: Chicago,
June 9, 1978.

(B) Company: Brown & Haley.

Articles: Confectionery.

Merchandise: Hard sugar.

Factory: Tacoma, Wash.

Statement signed: April 24, 1978.

Basis of Claim: Used in.

Effective date: February 15, 1977.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
June 12, 1978.

(C) Company: Chrysler Corp.

Articles: Specially cut sizes of steel in coils and sheets.

Merchandise: Hot- and cold-rolled steel sheets, coils, and strip; and
galvanized steel sheets, coils, and strips.

Factory: Detroit, Mich.

Statement signed: February 28, 1978.

Basis of claim: Appearing in.

Effective date: September 26, 1974.

Rate forwarded to Regional Commissioner of Customs: Chicago,
May 22, 1978.

(D) Company: The Dow Chemical Co.

Articles: Ethylene glycol (fiber grade); diethylene glycol.

Merchandise: Ethylene glycol (antifreeze grade).

Factories: Plaquemine, La.; Freeport, Tex.; Bayonne, N.J.

Statement signed: April 4, 1977.

Basis of claim: Used in, with distribution to the products obtained in
accordance with their relative value at the time of separation.

Effective date: April 12, 1976.

Rate forwarded to Regional Commissioner of Customs: Chicago,
June 13, 1978.

Revokes: T.D. 77-293-E, superseded.

(E) Company: The Dow Chemical Co.

Articles: Methyl chloride, methylene chloride, chloroform.

Merchandise: Methanol.

Factories: Midland, Mich.; Plaquemine, La.

Statement signed: April 12, 1977.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Effective date: June 1, 1976.

Rate forwarded to Regional Commissioner of Customs: Chicago, June 12, 1978.

Revokes: T.D. 78-94-H, superseded.

(F) Company: East Penn Manufacturing Co., Inc.

Articles: Electric storage batteries.

Merchandise: Lead.

Factories: Lyon Station, Pa.; Hialeah, Fla.

Statement signed: February 10, 1978.

Basis of claim: Used in.

Effective date: December 28, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore, May 18, 1978.

(G) Company: Edge-Craft Process Co., Inc.

Articles: Uninked ribbons for office machines.

Merchandise: Nylon piece goods.

Factory: New York, N.Y.

Statement signed: March 30, 1978.

Basis of claim: Appearing in.

Effective date: April 1, 1975.

Rate forwarded to Regional Commissioner of Customs: New York, May 30, 1978.

(H) Company: The Flexene Corp.

Articles: Uninked ribbons for office machines.

Merchandise: Cotton and silk piece goods and typewriter ribbon cloth.

Factory: New York, N.Y.

Statement signed: March 30, 1978.

Basis of claim: Appearing in.

Effective date: April 1, 1975.

Rate forwarded to Regional Commissioner of Customs: New York, June 12, 1978.

(I) Company: GTE Sylvania, Inc.

Articles: Cathode ray tubes.

Merchandise: Glass bulbs for use in black/white television picture tube.

Factory: Ottawa, Ohio.

Statement signed: March 28, 1978.
Basis of claim: Appearing in.
Effective date: January 1, 1977.
Rate forwarded to Regional Commissioner of Customs: New York,
May 25, 1978.

(J) Company: General Electric Co.

Articles: Gas turbines, gas turbine components and accessories, systems, subassemblies, and parts.

Merchandise: Gas turbines (partially completed), gas turbine components and accessories, subassemblies, and parts.

Factories: Schenectady, N.Y.; Greenville, S.C.

Statement signed: February 23, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: June 26, 1970.

Rate forwarded to Regional Commissioner of Customs: New York,
April 11, 1978.

(K) Company: Glyco Chemicals, Inc.

Articles: Ethylene bis stearamide (Acrax).

Merchandise: Ethylene diamine.

Factory: Williamsport, Pa.

Statement signed: May 5, 1973.

Basis of claim: Used in.

Effective date: May 31, 1977.

Rate forwarded to Regional Commissioner of Customs: New York,
May 26, 1978.

(L) Company: The B. F. Goodrich Co., Akron, Ohio.

Articles: Plastic materials, resins, and compounds.

Merchandise: Ethylene dichloride.

Factories: Calvert City, Ky.; Henry, Ill.; Avon Lake, Ohio; Pedricktown, N.J.; Louisville, Ky.; Long Beach, Calif.

Statement signed: October 8, 1976.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Effective date: December 31, 1973.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
May 25, 1978.

Revokes: T.D. 77-76-L, superseded.

(M) Company: The B.F. Goodrich Co.

Articles: Polymer chemicals.

Merchandise: Aniline, 99.9-percent purity.

Factories: Akron, Ohio; Henry, Ill.

Statement signed: September 29, 1977.

Basis of claim: Appearing in.

Effective date: October 1, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 12, 1978.

Revokes: T.D. 75-233-R, superseded.

(N) Company: The B.F. Goodrich Co.

Articles: Polymer chemicals and commodities.

Merchandise: Para nitroaniline, 99 percent.

Factories: Akron, Ohio; Henry, Ill.

Statement signed: May 5, 1978.

Basis of claim: Appearing in.

Effective date: July 15, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
May 16, 1978.

(O) Company: Hardwicke Chemical Co.

Articles: 3-phenoxybenzyl alcohol.

Merchandise: 3 phenoxy toluene.

Factory: Elgin, S.C.

Statement signed: November 15, 1977.

Basis of claim: Used in.

Effective date: February 23, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
May 26, 1978.

(P) Company: Hercules Inc.

Articles: Hydroxyethyl cellulose (Natrosol) blended to customer
specifications.

Merchandise: Hydroxyethyl cellulose (Natrosol).

Factories: Hopewell, Va; Parlin, N.J.

Statement signed: February 15, 1978.

Basis of claim: Used in.

Effective date: June 1, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 5, 1978.

(Q) Company: Hercules Inc.

Articles: Synthetic resins and synthetic rubbers.

Merchandise: Epichlorohydrin.

Factories: Savannah, Ga.; Portland, Oreg.; Milwaukee, Wis.; and
Hattiesburg, Miss.

Statement signed: March 21, 1978.

Basis of claim: Used in.

Effective date: November 10, 1977.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 12, 1978.

(R) Company: Hooker Chemicals & Plastics Corp., Ruco Division.

Articles: Polyvinyl chloride (PVC) compounds.

Merchandise: Kane ACE B-22 and acryloid KM-636 impact modifiers.

Factory: Burlington, N.J.

Statement signed: March 7, 1977.

Basis of claim: Appearing in.

Effective date: September 1, 1973.

Rate forwarded to Regional Commissioner of Customs: New York,
June 5, 1978.

Revokes: T.D. 78-94-P, superseded.

(S) Company: Kraft, Inc.

Articles: Single-strength orange juice, Brix 11 to 12 degrees; frozen
orange juice concentrate, Brix 42 to 65 degrees.

Merchandise: Orange juice concentrate, Brix 11 to 65 degrees.

Factory: Lakeland, Fla.

Statement signed: March 28, 1978.

Basis of claim: Used in, with distribution to the products obtained in
accordance with their relative value at the time of separation.

Effective date: November 25, 1977.

Rate forwarded to Regional Commissioner of Customs: Miami,
May 30, 1978.

Revokes: T.D. 78-254-P, superseded.

(T) Company: Eli Lilly and Co.

Articles: QA 097D tylosin tartrate 900 Bgm/kg.

Merchandise: Tylosin tartrate concentrate.

Factory: Lafayette, Ind.

Statement signed: February 22, 1978.

Basis of claim: Appearing in.

Effective date: September 15, 1975.

Rate forwarded to Regional Commissioner of Customs: Chicago,
May 16, 1978.

(U) Company: Monsanto Co.

Articles: CP57922 (2-chloro-2,6'-diethyl-N-(chloromethyl) acetanilide) intermediate; Lasso technical (2-chloro-2',6'-diethyl-N-

(methoxymethyl) acetanilide); Lasso emulsifiable concentrate (Lazo EC and Laco EC); Machete technical (N-(butoxymethyl)-2-chloro-2',6'-diethyl acetanilide); and Machete emulsifiable concentrate.
Merchandise: 2,6 diethylaniline; and monochlorobenzene.
Factories: St. Louis, Mo.; Luling, La.; and Muscatine, Iowa.
Statement signed: April 18, 1978.
Basis of claim: Appearing in.
Effective date: March 2, 1975.
Rate forwarded to Regional Commissioner of Customs: New York; Chicago, June 12, 1978.

(V) Company: Nor-Cal Beverage Co., Inc.
Articles: Still or carbonated beverages.
Merchandise: Liquid invert refined sugar.
Factory: West Sacramento, Calif.
Statement signed: March 3, 1978.
Basis of claim: Used in.
Effective date: February 2, 1978.
Rate forwarded to Regional Commissioner of Customs: San Francisco, May 16, 1978.

(W) Company: Sconza Candy Co.
Articles: Confectionery.
Merchandise: Hard sugar.
Factory: Oakland, Calif.
Statement signed: April 28, 1978.
Basis of claim: Appearing in.
Effective date: March 17, 1978.
Rate forwarded to Regional Commissioner of Customs: San Francisco, May 16, 1978.

(X) Company: Toms River Chemical Corp.
Articles: Benzan pure CG ground (benzanthrone, benzanthron ROH, or benzanthrone pure ground).
Merchandise: Anthracene.
Factory: Toms River, N.J.
Statement signed: May 11, 1978.
Basis of claim: Used in.
Effective date: January 1, 1975.
Rate forwarded to Regional Commissioner of Customs: New York; Baltimore, June 5, 1978.
Revokes: T.D. 78-229-Y, superseded.

(Y) Company: Victor Equipment Co.
Articles: Welding and cutting equipment.

Merchandise: Brass forgings.

Factory: Denton, Tex.

Statement signed: February 13, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: October 28, 1977.

Rate forwarded to Regional Commissioner of Customs: Houston;
June 7, 1978.

(Z) Company: Westinghouse Electric Corp.

Articles: Steam turbine rotor discs.

Merchandise: Steel alloy disc forgings.

Factory: Charlotte, N.C.

Statement signed: June 16, 1978.

Basis of claim: Used in, less valuable waste.

Effective date: January 1, 1976.

Rate forwarded to Regional Commissioner of Customs: New York,
July 19, 1978.

(T.D. 78-259)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, People's Republic of China yuan, Philippines peso, Singapore dollar, Thailand baht (tical)

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs Officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR 159, subpart C).

Peoples Republic of China yuan:

July 17, 1978.....	\$0. 5816¼
July 18, 1978.....	. 5816
July 19, 1978.....	. 5816¼
July 20, 1978.....	. 5816¼
July 21, 1978.....	. 5816¼

Hong Kong dollar:

July 17, 1978.....	\$0. 2146
July 18, 1978.....	. 2147
July 19, 1978.....	. 2146½
July 20, 1978.....	. 2145
July 21, 1978.....	. 2146

Iran rial:	
July 17-21, 1978.....	\$0. 0141
Philippines peso:	
July 17-21, 1978.....	\$0. 1365
Singapore dollar:	
July 17, 1978.....	\$0. 4332
July 18, 1978.....	. 4332
July 19, 1978.....	. 4333
July 20, 1978.....	. 4337
July 21, 1978.....	. 4336
Thailand baht (tical):	
July 17-21, 1978.....	\$0. 0492
(LIQ-3)	
August 1, 1978.	

BEN L. IRVIN,
Acting Director,
Duty Assessment Division.

Recent Unpublished Customs Service Decisions

The following listing of recent administrative decisions issued by the Office of Regulations and Rulings, U.S. Customs Service, and not otherwise published, is published for the information of Customs officers and the importing community. Although the decisions are not of sufficient general interest to warrant publication as Treasury decisions, the listing describes the issues involved and is intended to aid Customs officers and concerned members of the public in identifying matters of interest which recently have been considered by the Office of Regulations and Rulings.

A copy of any decision included in this listing, identified by its date and file number, may be obtained in a form appropriate for public distribution upon written request to the Office of Regulations and Rulings, Attention: Legal Reference Area, Room 2404, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. These copies will be made available at a cost to the requester of 10 cents per page. However, the Customs Service will waive this charge if the total number of pages copied is 10 or less.

Dated: August 1, 1978.

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

Date of Decision	File Number	Issue
6-29-78	103465	Carrier control: dutiability of foreign repairs necessitated by damage to vessel prior to leaving U.S.
7-7-78	103475	Carrier control: sufficiency of photocopy of a vessel's certificate of nationality for refund of special tonnage tax and light money
7-5-78	103493	Carrier control: prohibition of foreign tugboat from towing foreign-owned barges solely in the Houston ship channel pursuant to 46 U.S.C. 316 (a)(2); foreign barges transporting "merchandise" between points in the Houston ship channel are engaging in coastwise trade in violation of 46 U.S.C. 883
7-6-78	103541	Carrier control: foreign-built vessel used as a dental clinic not engaged in coastwise trade as long as it does not carry merchandise or passengers as defined in 46 U.S.C. 883 & 289
7-17-78	209174	Temporary importation under bond—motorcycle imported to enhance the sales appeal of tires
7-17-78	306047	Entry: U.S. Government employee may take Customhouse broker's exam—license not issued until terminated from government service; conflict of interest exists where spouse of Customhouse broker applicant is Customs employee
7-11-78	306057	Entry: conversion of a temporary importation bond entry to a duty-free entry under item 851.60 TSUS
7-6-78	306087	Classification: various metal detectors
7-11-78	306124	Entry Procedures: hollow steel structural sections; completion of Customs Form 5520
7-11-78	306191	Entry Procedures: application of 19 CFR 10.175 to consolidation of GSP purchases from Taiwan and Korea in Hong Kong; accompanying documents must show the United States as the final destination
7-18-78	650401	Commercial fraud: railcar, an instrument of international traffic intended to be diverted to domestic service, by mistake was directly exported. Rail car was re-imported as deadhead astray, but found to contain domestic cargo, and was seized for violation of 19 U.S.C. 1592 pursuant to 19 CFR 123.12
7-6-78	708939	Country of origin marking: finished tennis rackets sent abroad for stringing using U.S. materials and returned to the United States are not substantially transformed to require country of foreign origin marking. Unfinished tennis racket frames sent abroad for stringing using foreign material and labor are substantially transformed
7-12-78	709066	Country of origin marking: thermometer sheaths
7-10-78	709250	Country of origin marking: commercial stationery excepted if container marked, 19 U.S.C. 1304(a)(3)(D)
7-6-78	709263	Restricted merchandise: exportation of detained switchblade knives other than through the mail at no expense to the Government, 19 CFR 12.100

Date of Decision	File Number	Issue
7-11-78	709266	Country of origin marking: possible exception for eye glass frames and parts variously imported, assembled, and electroplated in the U.S. under 19 U.S.C. 1304(a) (3)(D), (G), (H)
7-10-78	709286	Country of origin marking: plywood doorskins
7-19-78	709300	Restricted merchandise: wood bottle opener base need not be specially fumigated, but it must be free of wood-boring insects and termites
6-23-78	043772	Classification: powdered marble
5-2-78	054585	Classification: metal detector
6-14-78	056534	Classification and country of origin marking: acrylic knit gloves
7-14-78	058225	Classification: applicability of item 801.10, TSUS, to reimportation of items that originally entered the United States duty-free under GSP
6-1-78	058239	Classification: retractable metal measuring tape
6-17-78	058247	Classification: applicability of item 800.00 or 806.20, TSUS to capacitors sent abroad solely for removal of epoxy encapsulation
6-27-78	058260	Classification: thermostats and sensory devices
6-7-78	058265	Classification: modems—devices which transmit data by wire
6-14-78	058298	Classification: applicability of item 806.30, TSUS, to articles of metal of United States origin exported for processing and returned to the United States for further processing
6-2-78	058314	Classification: reimportation of non-bilingually labeled merchandise pursuant to item 801.10, TSUS
6-14-78	058318	Classification: Hummel figurines and plates
6-29-78	058319	Classification: X-ray opaque film identification markers
6-30-78	058326	Classification: AM/FM phono chassis; interpretation of an "unfinished" article
6-19-78	058334	Classification: lead frames damaged due to rust reimported into United States; applicability of item 801.10, TSUS, to merchandise which originally sought drawback; rust could prevent an article from meeting specifications within the scope of 801.10, TSUS.
6-23-78	058341	Classification: damaged metal aircraft turbine engine nozzle vanes processed in Mexico with intermittent returns to United States
7-14-78	058356	Classification: Importation of costume articles by a university dance group pursuant to item 862.10, TSUS, or item 861.30, TSUS
7-12-78	051692	Classification: incomplete cotton terry slippers
7-10-78	051711	Classification: tree length harvester machine
7-10-78	052028	Classification: feller-buncher on loader
7-14-78	052656	Classification: slipper socks according to component material of uppers and soles

Date of Decision	File Number	Issue
7-6-78	053278	Classification: Aluminum disks for use in computers
7-10-78	053474	Classification: various items of logging machinery
7-12-78	053592	Classification: various components of electric fencing
7-14-78	053760	Valuation: men's jogger athletic shoe subject to appraisal on ASP basis of valuation
7-19-78	053879	Classification: vinyl upper loafer with crepe sole and jute band
7-5-78	053891	Classification: "Beach Frog", a rubber beach sandal
7-14-78	053937	Country of origin marking: beachcomber sandals
7-10-78	053950	Classification: tree logging machines
7-10-78	054728	Classification: certain sheaves and brake rings used as parts of log yarders
7-10-78	054732	Classification: parts of log yarders
7-10-78	054762	Classification: certain handling machinery and parts
7-5-78	054917	Classification: silicon metal
7-5-78	055051	Classification: "Sleepwalking Sam", a wind-up toy
7-3-78	055065	Classification: wooden nutcracker dolls
7-12-78	055078	Classification: horsehide and cowhide gloves
7-19-78	055098	Classification: Porta-Communicator and Back Pack Crystal Radio for use with Six Million Dollar Man doll
7-19-78	056128	Classification: color graphic display terminal
7-14-78	056163	Classification: various articles used in electrical data transmission
7-19-78	056268	Classification: cleaver-like knife
6-30-78	056277	Classification: tractors, tracked vehicle carriers, and excavating machinery for peat harvesting operations
7-12-78	056363	Classification: molded footwear soles of plastic and synthetic rubber
7-19-78	056375	Classification: house trailers that float, made of plastic or canvas
7-10-78	056384	Classification: tree-length harvester (motor vehicle)
7-6-78	056392	Classification: plastic 12-tape cassette album
7-7-78	056395	Classification: plastic dog bowls
7-13-78	056420	Classification: stud link anchor chain for offshore drilling platform
7-18-78	056425	Classification: decorative laminate and hardboard surface coverings
7-6-78	056454	Classification: 3-point hitch and tractor suitable for agriculture use
7-14-78	056457	Classification: vinyl carpet runners and vinyl stair treads
7-14-78	056476	Valuation: ladies' PVC sandals subject to ASP appraisal
6-30-78	056490	Classification: llama rugs
7-14-78	056507	Classification: various agricultural implements for use with agricultural tractors
7-7-78	056520	Classification: plastic video tape reel
7-14-78	056528	Classification: net material used for making horse blankets

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7-19-78	056548	Classification: roller skate boots with metal skate plate attached
7-13-78	056550	Classification: plastic pencil box with rigid construction
7-13-78	056559	Valuation: canvas tennis shoe subject to ASP appraisement
6-30-78	056598	Classification: Insocure generator/mixer, which converts amine in liquid form to a gas
6-30-78	056622	Classification: Varistat DC drive system
7-19-78	056623	Classification: wire spring and a plastic catch for use in furniture
7-13-78	056631	Classification: apres-ski boots
7-7-78	056635	Classification: ride-on lawn mowers
7-14-78	056638	Classification: plastic compacts for eyeshadow
7-12-78	056645	Classification: inflatable packer element, used in oil wells
7-19-78	056646	Classification: air chuck used both as toolholder or workholder
7-10-78	056650	Classification: plastic tubing with detachable fitting
7-11-78	056664	Classification: mobile seating platform
7-6-78	056681	Classification: ferrosilicon magnesium
6-30-78	056689	Classification: latch hook used for rugs
7-19-78	056703	Country of origin marking: coil steel; substantial transformation
6-30-78	056708	Classification: Gondola and hopper railway freight cars
7-19-78	056714	Classification: "Ziplock" (resembles a padlock in function)
7-13-78	056720	Classification: stainless steel splash guards for use on vehicles
7-13-78	056748	Classification: galvanized steel strip
7-13-78	056757	Classification: stainless steel decorative wall panels
7-7-78	056758	Classification: picture frames, illuminating signs, framed pictures, plaques, cards
7-10-78	056768	Classification: chemical temperature monitors
7-11-78	056770	Classification: acrylic sheets with one milled end
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6-29-78	056804	Classification: combination wood and oil furnace
7-14-78	056819	Classification: hand-generator lights
7-5-78	056823	Classification: dump truck; exemption of three components of United States origin from duty
7-19-78	056825	Classification: hydrostatic speed variator
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7-10-78	056855	Classification: flat-bed highway semi-trailer
7-10-78	056856	Classification: jigsaw puzzle postcards
7-14-78	056862	Classification: hydraulically operated aerial work platforms
7- 6-78	056863	Classification: heat recovery and ventilation unit
7- 6-78	056866	Classification: plastic pedals for tricycles and small bicycles
7-13-78	056870	Classification: steel tapered tubes
6-30-78	056873	Classification: electrical high frequency brazing apparatus used to sandwich steel and copper on pots

Date of Decision	File Number	Issue
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7- 6-78	056881	Classification: educational puzzles
7- 6-78	056885	Classification: unhardened sheet metal screws for use in wood
7-13-78	056889	Classification: motorized hang glider
7- 7-78	056890	Classification: camper tent trailer
7- 7-78	056898	Classification: various articles of stainless steel flatware
7- 6-78	056906	Classification: velvet covered plastic jewelry box
7-13-78	056914	Classification: cow trainer—gives electrical shock
7- 7-78	056915	Classification: girl's split cowhide mitten
7-12-78	056923	Classification: knife with snap off blades
7-13-78	056932	Classification: "stadia baffle"—camera part
7- 6-78	056935	Classification: down-filled insulated sock
7-13-78	056947	Classification: galvanized steel tension bars
7-13-78	056955	Classification: heavy duty commercial BBQ machines
7-19-78	056958	Classification: plastic case for playing cards with a pencil enclosed
7-14-78	056960	Classification: wooded book rack
7-19-78	056966	Classification: substantial transformation of bamboo shells into a handbag for column 1 rate of duty
7-7-78	059355	Classification: electrostatic lettering kit
7-6-78	059443	Classification: rattan chairs and ottomans
7-12-78	059572	Classification: rattan display rack

(520747)

American Manufacturer's Petition

Notice of receipt of American manufacturer's petition to reclassify cotton denim trousers known as "blue jeans"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of receipt of American manufacturer's petition.

SUMMARY: The Customs Service has received a petition from an American manufacturer of wearing apparel requesting the reclassification of certain cotton denim trousers for men and women, commonly referred to as "blue jeans."

DATES: Interested persons are invited to submit written comments regarding this petition. Comments must be received on or before: September 5, 1978.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division,

U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Philip Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5865.

SUPPLEMENTAL INFORMATION:

BACKGROUND

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer of wearing apparel, including cotton denim trousers for men and women commonly referred to as "blue jeans." The petitioner contends that certain blue jeans which are currently classifiable as nonornamented wearing apparel in either item 380.39, Tariff Schedules of the United States (TSUS) or item 382.33, TSUS, are more properly classifiable under the provision for other ornamented wearing apparel of cotton, in either item 380.00, TSUS, if for use by men or boys, or item 382.00, TSUS, if for use by either sex or by women, girls, or infants.

Headnote 3, schedule 3, TSUS, defines the term "ornamented" as used in relation to the tariff classification of articles made of textile materials. For an article to be considered ornamented, it must possess one or more of the features enumerated in headnote 3. The petitioner contends that, in accordance with headnote 3, blue jeans possessing any of the following features should be classified as ornamented for tariff purposes: (1) Inserted leather yokes; (2) fabric used for pocket openings when pockets have been inserted into the leather portions of a garment; (3) double layered patch pockets formed by two pieces of irregular shaped fabric which are stitched together, and then stitched to a third piece of fabric which acts as a backing; (4) a braided fabric strip stitched to the edge of a patch pocket opening; (5) stitching made necessary by precutting when the precutting has no apparent functional purpose except to make the stitching essential to completing the article; (6) separate belt loops sewn to form an X; (7) leather piping inserted along the edge of a pocket opening; (8) basket weave inserts made of leather strips inserted in patch pockets; (9) metal rivets; (10) stitching which holds a patch pocket made of two pieces of fabric together; (11) leather strips used to finish the opening of stand pockets; (12) patch pockets with openings which are formed from the material of the pocket itself, instead of by failing to stitch the top of the pocket to the body of the garment; and (13) leather piping inserted in the seams where two pieces of fabric are joined.

COMMENTS

Pursuant to section 175.21(b) of the Customs Regulations (19 CFR 175.21(b)), the Customs Service invites written comments on this petition from all interested parties.

The American manufacturer's petition as well as all comments received in response to this notice will be available for public inspection in accordance with sections 103.8(b) and 175.21(a) of the Customs Regulations (19 CFR 103.8(b), 175.21(a)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

AUTHORITY

This notice is being published in accordance with section 175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[Published in the Federal Register August 3, 1978 (43 FR 34236)]

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Nils A. Boe

Senior Judge

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Customs Decisions

(C.D. 4756)

BORDER BROKERAGE COMPANY, INC. *v.* UNITED STATES

Track belts

STARE DECISIS—CUMULATIVE AND CONFLICTING EVIDENCE—RULE
APPLIED

Retrial of issue as to proper classification of track tread material exported from Canada for use on a Muskeg-type tracked motor vehicle *held* controlled by *stare decisis* where the "new evidence" introduced into the record on behalf of the Government is *cumulative* and *conflicting* and does not disclose clear and convincing error. *United States v. Flex Track Equipment, Ltd.*, 59 CCPA 97, C.A.D.

1046 (1972), *aff'g Flex Track Equipment, Ltd. v. United States*, 65 Cust. Ct. 119, C.D. 4063 (1970) followed.

Court No. 70/35163

Port of Seattle

[Judgment for plaintiff.]

(Decided July 20, 1978)

Glad, Tuttle & White (Steven W. Baker of counsel) for the plaintiff.

Barbara Allen Babcock, Assistant Attorney General (*William F. Atkin*, trial attorney), for the defendant.

Lamb & Lerch (*Richard J. Kaplan* and *David R. Osheimer* of counsel) as *amicus curiae*.

RICHARDSON, Judge: The merchandise in this case consists of certain rubber track tread material made in Canada specifically for use on a Muskeg-type motor vehicle identified as a Nodwell RN-110. The track tread, in its condition as imported, is cut to length and perforated with holes in a specific pattern. After importation, the track tread is assembled with grouser bars, back plates, and nuts and bolts, to make a crawler tread which is then attached to the motor vehicle.

Similar merchandise was before the court in *Flex Track Equipment, Ltd. v. United States*, 65 Cust. Ct. 119, C.D. 4063 (1970), *aff'd*, *United States v. Flex Track Equipment, Ltd.*, 59 CCPA 97, C.A.D. 1046 (1972), wherein the courts held the merchandise to be "more than" "belting or belts, for machinery" as provided for in TSUS item 358.10 (redesignated as item 358.06) as classified in liquidation, and properly classifiable as claimed by the importer as "parts of the foregoing motor vehicles" under TSUS item 692.25 (redesignated as item 692.27). The same issue is raised anew here following the Government's limitation of the holding in C.A.D. 1046 to the entry before the court in that case (see T.D. 72-283).

In the instant case the parties have stipulated that the merchandise is a processed article cut to a specified length from a material of woven ply vegetable fiber and rubber, that the article is 15" in width and punched with nine 16" holes evenly spaced $4\frac{15}{16}$ " apart, three across the width, in three rows of either 82 or 67 holes each throughout the length, that the merchandise was, and similar merchandise is, ordinarily produced in accordance with standardized specifications, and, as previously indicated, that the imported merchandise is similar in all material respects to the merchandise the subject of decision in C.D. 4063 and C.A.D. 1046. Plaintiff rests its case on the record in

the *Flex Track* case which was incorporated into the record in the instant case, and moves for judgment in its favor under the doctrine of *stare decisis*. Defendant opposes the motion on the basis of what it contends is "new evidence" by means of which it seeks to avoid application of the doctrine of *stare decisis*.

Defendant's "new evidence" consists of the testimony of two industry witnesses and numerous samples of flat belting, together with some documentary exhibits. The testimony of the witnesses is directed toward three types of flat belting, i.e., conveyor belting for moving bulk materials, elevator belting for lifting bulk materials in a vertical direction, and transmission belting for transmitting power from a flat-faced pulley to another flat-faced pulley, general agreement with various definitions of the terms "belting" and "belts", identification of examples of conveyor and elevator belting which are punched with holes or equipped with cleats or ribs for particular applications, and personal appraisals of the imported merchandise as identifying either with a transmission-type belt or an elevator-type belt.

Directing his attention to the imported merchandise, the witness Raymond G. Moore, product manager of the flat belting division of B. F. Goodrich, testified on cross-examination (R. 74):

Q. Mr. Moore, regarding the imported merchandise, you stated your belief that you would term this to be a piece cut from a belt, is that correct?—A. Yes.

Q. What kind of a belt would you consider this? Would you consider it a conveyor belt?—A. I would now consider it as a track belt.

And in the same vein, the witness David Wiese, a "technical man" for Goodyear Tire and Rubber Company, testified on cross-examination (R. 131):

Q. You were here in court this morning?—A. Yes.

Q. And you heard the description that this is assembled together, two pieces 33 feet long, side by side, assembled with grouser bars, bolts, and plates. We have two individual pieces connected together with metal bands. Would you consider that a complete track tread assembly? Would you consider that either a belt or belting?—A. I would consider it belting, yes. A belt, rather, if it is on a machine. A belt.

Neither of these witnesses testified as to any personal knowledge of or experience with the use of the imported material on the type of motor vehicle machinery for which it was intended.

In *Flex Track* the trial court called attention to the testimony of one of two witnesses who testified in the case. The court noted (p. 123):

"Mr. Agassiz acknowledged that he referred to the material from which the imported merchandise was processed as belting or

tread (R. 20), and that the imported merchandise is sold as 'belts', 'track treads', or 'track belts'. (R. 24, 25.)"

And earlier in the opinion the court had referred to two letters (exhibits A and B) authored by the same witness in which he had referred to the imported merchandise as "track treads or belts". Notwithstanding this evidence the court went on in *Flex Track* to hold "that the imported articles, designed as they are for a special purpose, are more than belting for machinery within the commonly accepted meaning of that term". The court pointed out that the common meaning of the term belting for machinery is defined as "a flexible kind of material passing over two or more wheels to transmit power in machinery", "serving to communicate motion from one part to another" and "a conveyor of sorts". The court noted that the imported merchandise was specially designed to do much more than transmit motion when used on motor vehicle machinery, i.e., to give the motor vehicle support, traction, and stability.

These findings were affirmed on appeal. Our appellate court said (p. 100), "We agree with the court that the imported articles were designed and processed to incorporate features that serve multiple functions which, in the language of that court, 'in sum, characterize the particular article more than any single feature or function.'"

In resisting plaintiff's motion for application of the rule of *stare decisis*, made at the conclusion of plaintiff's case, defendant argues, among other things (brief, p. 20), "Mr. Agassiz, plaintiff's first witness in *Flex Track* had no expertise as to the commercial use of the terms 'belts' and/or 'belting.' In fact, no testimony was elicited from Mr. Agassiz as to the commercial meanings of those terms."

The court finds the rule of *stare decisis* to be applicable here, and, accordingly, sustains plaintiff's motion for judgment. In the court's opinion defendant's "new evidence" is *cumulative*. Contrary to defendant's argument, the testimony of the witness Agassiz in *Flex Track* to which the trial court called attention as aforesaid had a bearing on the *commercial meaning* of the terms "belting" and "belts", and as such, the record in that case cannot be said to be devoid of such evidence. In fact, the Agassiz testimony may properly be said to be more *qualitative* on the subject of commercial meaning than that tendered by defendant's witnesses in the instant case, in view of the fact that it was related to the mode of buying and selling of the imported merchandise and the testimony of defendant's witnesses is not so related. The testimony of these witnesses (like the numerous exhibits introduced into the instant record) relates to conventional forms of belting and belts with which the witnesses are familiar, and on the basis of which, they gave opinions concerning the imported

merchandise. However, these opinions were in conflict insofar as concerns the comparative relationship between the imported material and various conventional forms of belting. Consequently, in the court's view it was never established through the "new evidence" that the imported material is in fact any one of these conventional forms of belting.

It is well settled that *cumulative* and *conflicting* evidence will not suffice to avoid application of the rule of *stare decisis*. *United States v. Dodge & Olcott, Inc.*, 47 CCPA 100, 103, C.A.D. 737 (1960); *John C. Rogers & Co., Inc. v. United States*, 63 CCPA 10, 11, C.A.D. 1158 (1975). And in the absence of a clear and convincing showing of error in the instant record application of this doctrine here is salutary.

Judgment will be entered herein for the plaintiff accordingly.

Appeals to United States Court of
Customs and Patent Appeals

APPEAL 78-13.—Air-Sea Brokers, Inc. v. United States.—ELECTRONIC COMPONENTS—AMERICAN GOODS RETURNED—COMPLIANCE WITH CUSTOMS REGULATIONS—WAIVER OF REQUIRED DOCUMENTS—TSUS. Appeal from C.D. 4742.

In this case electronic components were classified under one or more of the following provisions of schedule 6, part 5, Tariff Schedules of the United States, which covers electrical machinery and equipment: Items 682.05, 682.60, 685.25, 685.90, or 686.10. Plaintiff (appellant) claimed that the merchandise was entitled to duty-free entry as American goods returned under item 800.00 of the tariff schedules. Free entry is based upon whether Air-Sea Brokers, Inc. has complied with the requirements for duty-free entry under the applicable statutes and regulations. Additionally, plaintiff raised the issue of whether the doctrine of equitable estoppel may be invoked against the United States with respect to acts of certain customs employees. The Customs Court found that plaintiff had not satisfied the documentary requirements of section 10.1 of the Customs Regulations, that compliance was neither waived by the customs officials nor did plaintiff establish impossibility of compliance, that the regulations require the district director be satisfied as to the American origin of the merchandise, and that plaintiff cannot create a right of recovery that does not exist by invoking the doctrine of equitable estoppel. The action was dismissed.

It is claimed that the Customs Court erred in rendering a judgment for the appellee (defendant below); in not rendering a judgment for the appellant (plaintiff below); in dismissing the action; in not finding and holding that the merchandise in issue is properly classifiable under item 800.00, *supra*; in not finding and holding that the appellee waived the mandatory documentary requirements of section 10.1 of the Customs Regulations; in admitting appellee's exhibits B and C over the objection of the appellant; in not considering the doctrine of equitable estoppel in determining this case; in not finding and holding that the doctrine of equitable estoppel is applicable to cases involving the United States government; in not finding and holding that the doctrine of equitable estoppel is applicable to cases in the United States Customs Court; in not finding and holding that the actions of appellee's employee caused the appellant to believe that the mandatory documentary requirements had been satisfied and that the merchandise would be liquidated duty free; and in not finding and holding that the appellee's actions caused the appellant to change its position to its detriment and that the doctrine of equitable estoppel should be invoked against the United States government.

APPEAL 78-14.— United States *v.* Sortex Company of North America, Inc.—SORTEX MACHINES—ELECTRICAL MEASURING, CHECKING, ANALYZING OR AUTOMATICALLY-CONTROLLING INSTRUMENTS AND APPARATUS—INDUSTRIAL MACHINERY FOR PREPARING AND MANUFACTURING FOOD—TSUS. Appeal from C.D. 4746.

In this case electronic optical color sorting machines (models 964 and 964C) were classified in liquidation under item 712.49, Tariff Schedules of the United States, as modified by T.D. 68-9, as other electrical measuring, checking, analyzing or automatically-controlling instruments and apparatus, and assessed with duty at 10 percent ad valorem. The Customs Court held that the merchandise was properly dutiable as claimed by plaintiff (appellee) at the rate of 5.5 percent under the provision in item 666.25, as modified by T.D. 68-9, for other industrial machinery for preparing and manufacturing food.

It is claimed that the Customs Court erred in finding and holding that the subject merchandise is properly classifiable under item 666.25, *supra*; in not finding and holding that the merchandise was properly classified under item 712.49, *supra*; in finding and holding that the United States Tariff Commission (now International Trade Commission) classifies a machine that performs the functions of sorting, grading and screening as an industrial machine for preparing and manufacturing food; in not finding and holding that the United States Tariff Commission considers a machine that performs the functions of sorting, grading and screening as an industrial machine for preparing and manufacturing food only if the machine is chiefly used in connection with the manufacture of food; in not finding and holding that the subject merchandise is chiefly used to sort food items; in finding and holding that the subject merchandise also grades and screens food items; in finding and holding that the subject merchandise was recognized and listed in a category in the *Summaries of Tariff Information* (1948); in not finding and holding that there is no evidence of record that the subject merchandise was in existence when the *Summaries of Tariff Information* (1948) were published; in finding and holding that the chief use of the subject merchandise is as an industrial machine for preparing and manufacturing food by sorting, grading and screening food items for human consumption; in not finding and holding that the chief use of the subject merchandise is not as an industrial machine for preparing and manufacturing food; in not finding and holding that an industrial machine which is chiefly used to sort food items is not classifiable under item 666.25, *supra*, unless the sorting process is directly connected with the manufacturing of the food item; in not finding and holding that item 666.25 does not cover industrial machinery which is not chiefly used in direct connec-

tion with the manufacture of food or drink; in not finding and holding that to obtain classification under item 666.25 industrial machinery must be chiefly used in direct connection with the manufacture of food or drink; in not finding and holding that the record establishes that the subject merchandise is not chiefly used directly in connection with the preparation and manufacture of food or drink; in finding and holding that "preparing beans or peanuts for human consumption requires a number of operations and many pieces of equipment of various kinds and the Sortex machine is one of them"; in finding and holding that item 666.25, *supra*, is more specific than item 712.49, *supra*; in not finding and holding that item 712.49 is more specific than item 666.25; and in not finding and holding, alternatively, that items 712.49 and 666.25 are equally specific and both applicable to the subject merchandise and that therefore, by virtue of General Interpretative Rule 10(d), the merchandise is subject to duty under item 712.49, rather than item 666.25.

Petition for Rehearing Before the United States Court
of Customs and Patent Appeals

JULY 14, 1978

APPEAL 77-23.—Kurt Orban Co., Inc. v. United States.—STEEL BARS, REAPPRAISEMENT OF—EXPORT VALUE—SEPARABILITY OF APPRAISEMENT.—C.D. 4697 reversed June 6, 1978 (C.A.D. 1209).
Petition by appellee.

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